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04333-0018

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September 25, 2000

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Magalie R. Salas, Secretary  
Federal Communications Commission  
Portals II, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 99-200

Dear Ms. Salas:

Enclosed please find a courtesy copy of the Comments of the Maine, New Hampshire and California Public Utilities Commissions which were filed electronically today in the above-captioned matter.

Sincerely,

*Trina M. Bragdon*  
Trina M. Bragdon  
Staff Attorney

Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

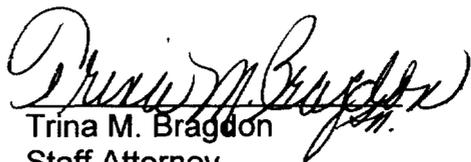
Numbering Resource Optimization

CC Docket No. 99-200

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COMMENTS ON THE MAINE, NEW HAMPSHIRE  
AND CALIFORNIA PUBLIC UTILITIES COMMISSIONS

On September 5, 2000, the Federal Communications Commission (FCC or Commission) issued a public notice soliciting comments on the thousands-block pooling administrator technical requirements. Specifically, the Commission requested comments on whether the technical requirements in the proposed Pooling Administration Requirements Documents are sufficiently detailed, comprehensive, and clear and whether they adequately describe the duties and scope of the National Thousands-Block Pooling Administrator's responsibilities. The Public Utilities Commissions of Maine, New Hampshire, and California hereby submit the attached comments in response to the FCC's request. We also support the comments made by the Public Utilities Commission of Texas.

Respectfully submitted,



Trina M. Bragdon  
Staff Attorney  
Maine Public Utilities Commission

On behalf of

E. Barclay Jackson  
Attorney  
New Hampshire Public Utilities Commission

And

Helen M. Mickiewicz  
Attorney  
California Public Utilities Commission

**COMMENTS OF THE MAINE, NEW HAMPSHIRE  
AND CALIFORNIA PUBLIC UTILITIES COMMISSIONS**

**2.0 Pooling Administration Requirements**

The proposed Pooling Administration Requirements Document (PARD) lists various reference sources, such as industry guidelines and regulatory orders issued by the FCC. However, the PARD does not mention regulatory orders issued by state commissions. Because the NRO Order<sup>1</sup> delegated certain authority to state commissions (e.g. reclamation) which may impact the duties and responsibilities of the Pooling Administrator (PA), the final PARD should also reference “regulatory orders issues by state commissions.”

**2.5.1 Process**

“INC may establish guidelines and procedures that may have an effect on the functions performed by the pooling administrator”

The final Pooling Administration Requirements Document (PARD) should state that INC guidelines and procedures may be modified by FCC or state regulatory orders.<sup>2</sup> In the event that the PA believes there is a conflict between the guidelines and FCC or state orders, the FCC or state order(s) shall prevail.

**2.5.3 Notification**

The proposed PARD requires notification of guideline changes to all interested parties except state commissions. The final document should require notification of state commissions.

**2.5.4 Roles**

The proposed PARD requires that the PA follow state orders “as long as they are not in conflict with FCC decisions, orders and rules and are within state jurisdiction.”

The final document should specify that the PA must immediately notify a state commission of any order it will not enforce because the PA believes it conflicts with a FCC decision, order, or rule and provide a written explanation of the basis for that conclusion.

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<sup>1</sup> *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000) (*NRO Order*).

<sup>2</sup>Any state modifications must be consistent with delegated authority and with FCC orders.

**2.10.3.1 Notification Process**

The final PARD should require notification of the proposed schedule to state commissions.

**2.10.3.6 Implementation Schedule Development**

With regard to inclusion of the current state trials in the initial rollout schedule, the final PARD should make clear that conversion of the current state trials will not require the same amount of time as rolling out pooling in new areas and that the PA should plan accordingly. If conversion of 4 current trials takes a total of 3 months, a state should be able to rollout additional trials during that same year provided all other requirements are met.

**2.12 Industry Inventory Pool Establishment Timeline**

The final PARD should include states in the development of the implementation timeline.

**2.13.4 Due Diligence**

The proposed PARD requires the PA to “validate” months to exhaust worksheets but does not specify the level of review. Given that MTEs are based upon carriers’ estimated forecasts demand and not on historic utilization data, the final PARD should require the PA to scrutinize the MTEs to ensure compliance with the FCC’s rules, including the rules relating to keeping only a six month inventory of numbers at all times and utilization rates. The final PARD should also make clear that the PA should exercise its independent judgment when reviewing carrier’s MTE forecasts.

**2.14 Management of Pool Inventory**

The proposed PARD suggests that pools must be sized on the basis of carrier forecasts. The final PARD should make clear that the PA should exercise its judgment and should consult with the relevant state commission when sizing the pool. Strict reliance on carrier forecasts should not be required.

**2.16 Resource Reclamation**

The proposed PARD only references the INC guidelines relating to reclamation. The final PARD should reference the FCC’s Order and the role of states in the reclamation process.

**2.17.5 Interface with Regulatory Agencies**

The proposed PARD does not require an electronic interface. The final PARD should require an electronic interface.

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The proposed PARD makes repeated references to the provision of "aggregated" data to states. The final PARD must reflect the requirement of the FCC Order that states have access to disaggregated data on a non-enterprise service basis.

#### **4.10 Optional Pooling Reports**

The proposed PARD makes many PA reports "enterprise services." The final PARD should state that specific decisions regarding which services will be considered enterprise services will be determined by the FCC in consultation with the states.

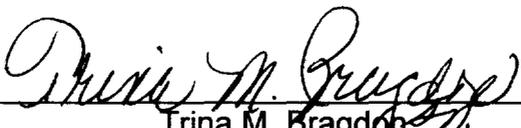
#### **Appendix 1 Definition of Customer**

The proposed PARD defines customer as only those who are paying, i.e. service providers. The final PARD should eliminate the term customer and make clear that the FCC, not carriers, control the scope of the PA's duties.

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**CERTIFICATE OF SERVICE**

I, Trina M. Bragdon, certify that on this day the Comments of the Maine, New Hampshire and California Public Utilities Commissions were served via first-class mail to the persons on the attached service list on September 25, 2000.

  
\_\_\_\_\_  
Trina M. Bragdon

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